

# Slumlords, shoddy oversight, tax dollars

*...Living on Section 8*

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AREA – Imagine renting an apartment where, when a neighbor flushes the toilet, waste bubbles up in the bathroom sink. Or living in a third floor apartment with the only way to get out being down the stairs because the exterior fire escape is barely attached ... its nails pulling out of the wall. Or living with everything you own plugged in via various power strips and extension cords to an outlet outside of your apartment. Or with massive holes in the ceiling. Or without an exterior door.

Welcome to the world of lower income rental housing.

Dozens, if not hundreds of people live under the thumb of a handful of landlords who have been renting non-compliant housing for years.

It's a bad joke with a bitter punch line. The rents that the landlords collect on some of their housing units are paid out of the pockets of taxpayers, via federally-supported housing programs.

In this edition, the Advertiser Democrat presents the stories of those who have fallen through the cracks of a system that doesn't seem to be getting fixed any time soon.

During our three-month investigation, we looked at a handful of addresses in Norway and Paris. The addresses we chose included 15 and 16 Cottage Street and 7 Lynn Street, Norway, owned by Madeline Pratt of Norway and her family; 32 High Street, Paris and 4 Hazen Street, Norway, both of which are owned by Vincent Marcisso of Portland; and 46 Main Street, Paris, which is owned by Gordon Bryant of Cape Elizabeth (but was formerly owned by Marcisso). The buildings are representative of a larger group of aging structures in our community that have fallen out of compliance through years of semi-neglect.

The tenants that we spoke with had different attitudes about their living conditions.

Some were frustrated, like John, who lives in unsafe conditions with his family, or Julia, a single woman with serious health problems who reports that she was pressured by her landlord to break the law by scamming her town of general assistance dollars.

Others seemed passive and defeated, like Lenny, a young single man who has put up with mold, gaping holes in the ceiling, and a complete lack of electric power for months because he is afraid that he could lose his Section 8 status by standing up for his rights. Or Jack, a middle-aged man who knows that he is living in a dangerous building, but is too worried about being evicted to challenge his landlord.

Then there are Susan and Charlotte, two young single mothers who worry about their children and complain about their situations with spirited language, but who seem unable to escape the conditions in which they live.

These and other brave tenants like them – David, a single, middle-aged man with thoughtful eyes and a ready smile, or Lily, a quiet young woman, or Jane, a disabled woman living on her own, as well as others – they have all come forward to share their stories. Their names and precise addresses have been withheld to help protect their anonymity.

After a fire at a rooming house in Norway last May, and hearing tales of secondary means of egress being locked and a lack of smoke alarms, we decided to look into low-income rental housing in the area. What we discovered was shocking.

## Apartment 1

While the tenants in the rooming house narrowly escaped death, at least one, Douglas Leatham, was immediately placed into another substandard apartment, in a building owned by the very same landlord. His new apartment also contained serious electrical problems and lacked smoke detectors.

Wading through knee-high grass, somewhat trampled, one comes to an open doorway without an actual door at the rear of a building on Cottage Street in Norway. Inside, the area is shed-like in its appearance, junk and an old stove and deteriorating walls. An inner door is closed. Seventy-seven-year-old Leatham answers a knock and invites us in.

The entire apartment – two rooms – is about 182 square feet (excluding the bathroom). For this Leatham pays \$600 a month including heat. He pays for his own electricity. Leatham is not receiving any housing assistance and must pay his rent, utilities, food, clothing and incidental expenses from his fixed income of \$980 a month. After rent, he is left with \$380 a month to cover everything else. Fortunately, he is helped by Meals on Wheels.

Leatham was one of the tenants who lost his home in May when the rooming house he was living in on Main Street in Norway burned to the ground.

The rooming house was owned by Madeline Pratt. So is Leatham's new apartment. However, when he moved in there wasn't a smoke detector in sight.

"It didn't [have a smoke detector] when I came, but I yelled and they fixed it," he says.

"When I first moved in," said Leatham, "there were electricity problems here."

There are still electricity problems as many of the outlets don't work, according to Leatham. "I have two outlets that refuse to work."

This explains the extension cords that run across the kitchen to the only working outlet.

The lack of a real door bothers Leatham.

"There is a new door that they bought that is leaning up against that area," says Leatham. "I'm trying to get my landlord to put that door in and provide me with a lock and key. I'm paying \$65 a month on a storage unit – stuff I have in the storage unit I could bring in here and save that amount of money."

Leatham's isn't the only apartment that is appalling.

## Apartment 2

On the top floor of one building, the tenants live with bats coming into the apartment, only one means of escape in a fire – down the main staircase – and waste bubbling up into the bathroom sink. Few outlets actually work in the apartment and the wall around the chimney gets very hot because the only thing covering the chimney is wallpaper, according to the tenant.

"You want to start with the fire escape? It's completely detached from the building," notes the apartment's tenant, Susan. The fire escape is actually barely attached by a few bolts pulling out of the side of the building. (It has been repaired since our visit but new bolts appear to go into rotten wood...)

"My window ladder is sawed in half," Susan continues, "and only reaches to the top of the second floor window. The roof and ceiling are cracked and falling apart and the back door doesn't lock or shut properly."

Susan goes on to describe outlets that spark when you try to use them and light fixtures that blow out bulbs every few days.

"Poop and stuff comes up out of the sink ... If some-

body flushes the toilet poop will start bubbling up.” She holds up a plastic bag in which there is a dead bat. “This is the bat that came out of that hole,” she points to the bottom of the wall where there is a small hole. “I have had five bats in my house in the last three weeks. We have a bat problem.”

“My sink leaks underneath so I have plastic bags and bowls and stuff ... I actually had to bring my own fire extinguisher and the smoke alarm just beeps and beeps no matter how many times you change the batteries ... that outlet over there sparks and that one has no cover and only one outlet works.” She points to an outlet overloaded with plugs.

“The water is so hot it actually burns you ... the toilet doesn’t flush very well.”

“Kay’s [Avesta inspector] been here, inspected, and I told her about everything and she still passed it,” says Susan.

“The heaters here, the [covers], in the girls’ room, they completely fall off,” Susan continued. “There are rats in the ceiling ... there’s a bunch of rat doo all over the place ... they’re really large black pellets ... you can hear them in the bedroom. My landlord knows we have bats ... told me to caulk up all the holes.”

“I went through all that with Kay and she said ‘no, no, no, it’s all good, it’s all good.’”

“My freezer doesn’t work ... I had to throw out \$500 worth of meat ... Avesta knows, DHS knows, everyone knows.”

“I told my case worker from Tri County ... she helps me keep track of all my paperwork ... it makes her sick to her stomach ... she is trying to find me other places to live.”

Susan is a Section 8 tenant through Avesta Housing. She said that she pays \$218 including a surcharge for a dumpster and Section 8 pays \$591, which amounts to \$809 for an apartment that some would consider to have only one bedroom (the living room is being used as a second bedroom).

### Apartment 3

“There are bad floors in there,” said John, the tenant who has lived there for two years and says he has never received his copy of the Avesta inspections, ... “she doesn’t do crap. The fire department made her put a ladder on ... she put it on last year and brand new smoke detectors all hardwired but the alarm sounds.” According to John there have been multiple fires at this address and the apartments still have smoke damage.

“The ceiling in our bedroom is pretty much gone, there’s a leak but they won’t fix it because they say they don’t know where it’s coming from. These two [ceiling] tiles rotted out because it leaks right down [over the bed] and the wallpaper’s coming down and, over there,” he points to a corner of the bedroom, “there’s a hole that I put my shirt in because I can’t take it anymore ... I can hear everything they do [in the next apartment] through that hole.”

“Where they put these pipes in, this is a hot water pipe and it gets wicked hot.”

Small children live in this apartment and John is concerned that they will be burned.

In the kitchen there is an upside down desk bolted to a built-in bench of some sort with a gaping hole.

“They won’t let me take that out but the kids fall in it.”

“The sink leaks, the shower leaks, the floor is rotted out but we can’t do anything about it, and now the door has fallen off [a bedroom] ... they [the landlord] told us to keep the kids out of their bedroom for months.

“Every apartment is tied to another electrically ... and we pay our own electricity. We just found that out when the meter was shut off.”

“[The rent is] \$914,” says John, “Avesta pays \$600

something.”

### Apartment 4

Then there is Lenny, who has been living without electricity for months. According to him the landlord was supposed to pay the electric but stopped. “I’ve told her about it at least a hundred times,” says the tenant, “but she hasn’t done anything.”

“It [electric] was in the landlord’s name,” he says, “but then she decided she didn’t want to pay it anymore and I had to so it has been shut off.”

Another tenant chimes in to say that the landlord does that to all the tenants. Yet another tenant notes that they only have two outlets that work in their apartment. “When I first moved in I had to wait weeks for electricity because it had been shut off after a previous tenant and the landlord’s worker had to go to CMP to get a new tenant documented.”

The ceiling between the bedroom and the bathroom fell in months ago and has not been repaired. Black mold is evident. Black stuff oozes up from the bathtub drain.

Lenny pays \$40 and Avesta pays about \$600 for the two-room apartment, he says.

### Apartment 5

There is no electricity. This is not a Section 8 tenant although the tenant does receive general assistance. Because there is no electricity, the tenant has her stove, fridge, lamps and other appliances running through a collection of household (not heavy-duty) extension cords, power strips and the like, to a single outlet in the hallway outside of the apartment.

“When I moved in,” says Lily, “they told me the apartments were connected [electrically] but that they were giving me a new meter. All that meter ever did was run my stove,” she says, “and it was the same meter as another apartment. Now it doesn’t work because the electricity has been shut off [for the other apartment].”

Per her general assistance agreement with the town, her electricity is to be included with her rent which is \$600 for two very small rooms. She has not told the town because she doesn’t want to lose her apartment.

Appalling living conditions, such as those that exist in Norway and Paris are illegal under both state and federal law, but there is a widespread lack of compliance by landlords, towns, the state and the agencies that act on behalf of the federal government.

Taken together, there is a long chain of responsible parties, not one of which is effectively addressing the issue.

“There’s a lot of people not taking responsibility for things that they ought to,” said Matt Dyer, an attorney with Pine Tree Legal Services, a non-profit company which provides services to low-income individuals.

### HUD

The responsibility begins right at the top, with the federal government. Section 8 is the housing assistance program administered by the federal Department of Housing and Urban Development (HUD).

HUD monitors Public Housing Authority (PHA) administration of the program to ensure program rules are properly followed ... according to HUD.

HUD has pages and pages of criteria for Section 8 housing including what condition property must be in and standards of safety. HUD housing codes are meant to keep tenants out of unsafe housing conditions.

It offers a checklist for inspectors. The standards address construction, fire and health safety codes.

HUD spends taxpayer money on rent payments.

The intent is to give impoverished residents a place to live, and “HUD won’t pay for a decrepit apartment,” said Dyer. “They’re not supposed to.”

Dyer said that HUD shouldn’t tolerate the kinds of conditions seen in local Section 8 apartments.

“I would be absolutely shocked if lack of egress and electrical arcing would not be a cause of concern, not only for HUD but for the state Fire Marshal and state Electrical Inspector,” he said.

#### State

According to a 2008 report for the Maine Affordable Housing Coalition by the Maine Center for Economic Policy, Maine State Housing Authority (MSHA) is one of 21 housing authorities in Maine administering the Section 8 voucher. It, in turn, sub-contracts to an additional 16 agencies across the state of which Avesta Housing is one.

Deborah Turcotte, spokesperson for Maine’s State Housing Authority, said that the organization’s MaineHousing program disburses the funds that eventually make their way to the landlord.

“Federal (HUD) dollars come to MaineHousing as the contract administrator for HUD,” said Turcotte. “MaineHousing has a further contract with Avesta Housing to administer Housing Choice Vouchers in Androscoggin, Oxford, Cumberland and York counties. MaineHousing and Avesta determine what the assistance is for each landlord each month and a deposit is made into Avesta’s account to send to the appropriate landlords.”

MSHA generally leaves inspection and enforcement issues up to its sub-contractor with jurisdiction, in this case, Avesta.

Its procedure guide on housing reads that the sub-contracted agencies are required to “administer housing choice voucher program including all activities such as making determinations as to rent reasonableness, [and] performing housing quality standards inspections and enforcement.”

According to Turcotte, MSHA keeps a close eye on the inspections carried out by Avesta.

“MaineHousing staff monitor the agent’s activities on a monthly basis to be sure inspections are conducted in a timely manner,” she said. “In addition, MaineHousing staff conducts a re-inspection of a percentage of the units for quality assurance.”

She suggested that non-compliant conditions may have occurred in between the annual inspections.

“The unit may have deteriorated since the last time it was inspected,” she said.

One agency that does work with landlords to improve the safety of tenants is the state Fire Marshal.

When an apartment is the subject of a complaint or fire, the department sends out an inspector to document conditions. The inspector works with the landlord over a period of time to address the violations.

Still, even with active involvement by diligent inspectors, bringing a reluctant landlord into compliance can take months or even years. All the while, tenants are typically living with the unsafe conditions. Those that raise concerns about the conditions risk repercussions at the hands of their landlords.

At 36 High Street, a building owned by Vincent Marcisso (doing business as Western Highlands LLC), a resident noticed a problem with an outlet in her apartment in January, 2011.

According to a report filed by members of the Paris Fire Department on the incident, the woman “stated that she had an outlet that was starting to melt the extension cord and the outlet itself. ... The citizen went on to state that her landlord would not come to look at the problem and she was concerned about the possibility of a fire in the wall.”

The fire department responded and found that the extension cord was indeed melted, and that the outlet showed signs of discoloration.

The incident caused the Fire Marshal to document a dozen deficiencies. By June, Marcisso had satisfied the Fire Marshal on 10 of 12 counts, but still had

failed to provide a complete fire alarm system, or properly-sized windows for tenants to escape out of in case of fire. He asked for an additional 90 days to address those issues, which he was granted. The results of a re-inspection have not yet been released.

The tenant who made the decision to call the Fire Department did not fare well, according to the report from the department.

“It should be noted that [the] arrival of the fire department, and the following events that occurred, led to the eviction of the tenant by the landlord. The tenant stated that she was looking out for the safety of everyone in the building, including her and her children.”

Another apartment building at 46 Main Street in Paris came to the attention of the Fire Marshal after it caught fire in 2009. An inspection was conducted, and was reported to building owner Marcisso on October 7 of that year.

Marcisso was given 10 days to respond to nine separate violations at the structure.

State law requires two means of egress for each unit, a safeguard that allows tenants to escape in case of a fire that blocks them from the main exit. The second and third stories had no such means of egress.

The building also lacked fire-safe doors, proper hand railings, a sprinkler in the furnace room, a fire alarm system, and a certificate from an electrician for electrical components and exposed wiring, among other things.

Marcisso didn’t respond to the violations, and was sent an “urgent” notice in February of 2010. “Your failure to respond with a Plan of Corrections could jeopardize the continued operation of your facility,” wrote Supervisor Nelson Collins, on behalf of the Fire Marshal.

In July of 2010, the property was revisited, when it was determined that seven of the nine violations had not been addressed. In addition, two new violations were uncovered, including windows too small to escape through during a fire, and a lack of smoke and carbon monoxide detectors.

In September of 2010, Marcisso evicted the second-floor tenants from the building rather than install a fire escape, according to a letter he wrote to the State Fire Marshal’s Office. He wrote up a compliance plan that indicated that he would be in compliance by September 19.

In March of 2011, a re-inspection showed that seven of nine deficiencies were still unaddressed. By now, the building was owned by a different landlord, Gordon Bryant.

In June, Bryant submitted a compliance plan that said that all deficiencies would be corrected by September 30, 2011.

The results of an October 2011 inspection have yet to be released.

But a building that has caught fire once and been unsafe for two years isn’t as bad as it gets.

The unsafe electrical conditions at 7 Lynn St., in Norway, are particularly troublesome in light of the fact that the building has been the site of at least two major fires, and subject to 10 years of enforcement efforts by state fire officials.

In 2001, a fire at 7 Lynn led Inspector Ed Bennett of the Office of the State Fire Marshal to document 22 fire safety violations in the building. In 2009, another fire threatened the lives of the tenants, resulting in another inspection and the documentation of 12 violations. A February, 2010 inspection found that there were still 12 deficiencies that had not been corrected.

Of these 12 safety violations, eight appear to deal with the same conditions cited nine years previous. These include exposed wiring, lack of hand rails, lack of proper egress windows, lack of self-closing fire

doors, inadequate guard rails, smoke detector deficiencies, and outside stairs that do not terminate at ground level.

The building's owner, Madeline Pratt, said that changes in fire codes make it difficult to keep buildings up to code. Specifically speaking to the fire escape that didn't reach the ground, she said that the state requirement would make it less safe, not more.

"We didn't want little kids, and neither did the inspector, we didn't want little kids playing or using it as a stairway," she said. "The last two or three steps, we held up so a kid couldn't climb up from the outside. Just recently, we were criticized for that, because the fire escape didn't reach the ground. ... We did it for their safety. At the time we did it, it was legal."

#### Avesta

Avesta Housing is the PHA that has oversight of Section 8 for all properties with Section 8 tenants on behalf of the MSHA acting for the federal government. It is up to Avesta Housing to inspect the properties every time a new Section 8 tenant moves in and annually for every tenant under its auspices. According to HUD both the landlord and the tenant are supposed to get copies of the inspection reports.

Turcotte said that the contract between Avesta and HUD requires Avesta to inspect the properties to make sure that they comply with federal standards. The inspectors are certified by completing a three-to-five-day course.

"The inspector enters the result of the inspection into our shared database," said Turcotte. "If the unit fails the inspection, the landlord is given 30 days (24 hours in certain life-safety situations) to make the repairs."

According to the tenants at both addresses, Avesta does inspect. However, according to the tenants, none of them have ever received copies of the inspection reports. But, more to the point, each apartment has been inspected in the condition it is now, according to the tenants, and the Avesta inspector *passed the properties*.

According to HUD, "The PHA must inspect each unit at least annually to ensure that it meets *minimum housing quality standards*." None of these meet these standards according to the HUD inspection checklists.

"You as a tenant get a voucher from Avesta or Lewiston Housing or something, and an inspector will do an inspection," said Dyer.

Dyer said that the organization [Avesta] is well-positioned to improve the housing conditions for tenants.

"I think the programs would have a lot of leverage, because if the landlord doesn't fix it up, they lose a steady source of income," said Dyer.

Having a working relationship with Avesta can translate into profits for landlords.

"A lot of the landlords appreciate Section 8, because you always get paid," said Dyer.

"I'd like 100 percent of mine to be Section 8," said Pratt. "That's what I prefer because I have a contract with HUD, and they have a lease with me, and it's a lot easier to handle people that do have Section 8, because you've got tools to work with."

Some tenants reported that Avesta had signed off on substandard housing over the objections of the tenants themselves.

"All they did was look at the windows and approve it," said Susan.

Susan said that Kay Hawkins, the building inspector for Avesta, asked her to write down her concerns. She shows the list, written on a handbook given to her by Avesta. "Smoke alarms," it reads. "Sm. B-room window's broken. Heaters need clamps. Toilet is broken. Rats in roof."

"That's where Kay told me to write [problems]

down," said Susan. "She never bothered with that, ignored it. Said 'put a light cover on the girls' room' and approved it."

The list seems to contradict HUD guidelines for what would be considered an acceptable apartment.

Under the guidelines, for example, a broken window would be cause to fail the apartment. "'Severe deterioration' means that the window no longer has the capacity to keep out the wind and the rain or is a cutting hazard. Examples are: missing or broken-out panes; dangerously loose cracked panes; windows that will not close; windows that, when closed, do not form a reasonably tight seal."

There is also a provision for failing an apartment based on rodent infestations.

"'Presence of rats, or severe infestation by mice or vermin (such as roaches) is evidenced by: rat holes; droppings; rat runs; numerous settings of rat poison. If the unit is occupied, *ask the tenant*,'" according to the guidelines.

According to Lenny, the ceiling damage and the mold issues in his apartment passed Avesta's inspection process.

"Kay comes once a year," said Lenny, "and she inspects it and, last time, this [the ceiling] was like this and she still passed it." He has lived there for three years and never received his copy of the inspection report, he says.

This again seems to contradict HUD guidelines, which say that major ceiling damage, such as that found in Lenny's apartment, would be reason to fail the unit.

"'Unsound or hazardous' means the presence of such serious defects that either a potential exists for structural collapse or that large cracks or holes allow significant drafts to enter the unit. The condition includes: severe bulging or buckling; large holes; missing parts; falling or in danger of falling loose surface materials (other than paper or paint)."

"I've seen places that never should have passed and did," said Dyer.

Other tenants report that Avesta has forced their landlords to fix safety hazards. The family in the Lynn Street apartment said that a non-working outlet was cause to fail it.

A woman in another Marcisso-owned property said that Avesta withheld rent payments from Marcisso at least once, which forced him to put in new electrical outlets.

Joelle Corey-Whitman, the Code Enforcement Officer for Norway, said that she has found Hawkins from Avesta to be sensitive to her concerns.

"I have found Avesta to be very responsive," said Corey-Whitman.

Landlord Madeline Pratt said that she finds Hawkins to be a good and conscientious inspector.

"She seems to be on the ball," said Pratt. "She's very, very fussy on these safety codes. Just last year, we had to go around and change the size of the window in some of the sleeping rooms. ... They had to be a little bit wider than what we had, so we had to change those."

Linda Poland, Avesta's Section 8 program supervisor for the area, oversees an office for Avesta located in Norway. When asked for comment, Poland said that MSHA had requested she not deal with the press directly.

"I actually heard from the director of the program at Maine State Housing Authority [today], and she asked me to ask you to call up there," she said.

#### Towns

In small towns like Paris and Norway, officials can become intimately acquainted with the substandard housing conditions in their jurisdictions. In some cases, the town office is located only a few blocks

from the unsafe conditions.

The occupants and landlords have frequent contact with the town officials. They apply for permits and general assistance. Police and fire personnel respond to calls for help. Occasionally, they are the subject of a major fire, as was the case with 7 Lynn Street and the rooming house on Main Street.

“If a town wanted to, just under the general police powers that they have, they could order a repair of a property,” said Dyer.

With so many opportunities to see unsafe living conditions, why aren’t towns more proactive in remedying the situation?

Code enforcement and fire officials said that it amounts to a lack of political will to do so.

“It’s a very touchy situation,” said Gerald Samson, the CEO for Paris. “A town has to decide how deeply they want to be involved with enforcement.”

Paris Fire Chief Brad Frost said that, the way the town’s rules are set up, he only sees these unsafe conditions after an alarm has been raised.

“Right now there’s no ordinance that allows us to do inspections on apartment buildings,” said Frost. “The only way I get to see them is if I get a call at that place and notice these things.”

Some towns, like Norway, have municipal codes that can allow a CEO to force a landlord to fix up unsafe conditions.

“The tenant can ... ask the town to intervene and order the landlord to repair any health and safety issues that might violate the town’s code,” said Dyer.

Corey-Whitman said that she relies on a state law that regulates Dangerous Buildings when it comes time to take action against a reluctant building owner.

Under the law, a municipality can take action on buildings that are “structurally unsafe; unstable; unsanitary; constitutes a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; or is otherwise dangerous to life or property.”

“The town has state regulations we can follow,” she said. Still, she said that she would like a more effective enforcement tool, and hopes that town voters will approve a proposed property maintenance ordinance in June.

She said that such buildings are not unusual in Norway. She said that she’s seen similar conditions on Beal Street, Whitman Street, Deering Avenue, and Pearl Street in Norway.

However, town enforcement has not been consistently effective, at least in the case of 15/16 Cottage Street. Town records from as far back as 2002 show that then-CEO Jeffrey van Decker tried to bring the building into compliance with the town’s Rental Occupancy Ordinance.

In 2002, many of the violations – holes in walls, lack of egress, inadequate lighting – are the same problems that can be seen by a casual observer today.

Other towns, like Paris, don’t have an ordinance on the books. Even in these towns, however, Dyer said that a municipality has the power to address unsafe conditions.

“It’s a lot harder if you don’t have a residential code,” Dyer acknowledged.

Samson said that the town’s lack of a housing ordinance prevents him from addressing unsafe housing conditions.

“We don’t have a housing ordinance, as such,” he said. “We have a limited building code, and that’s it.”

Frost said that he has heard conflicting information about whether towns can, in fact, enforce safety violations in rental units.

“According to the CEOs, ‘no,’ but according to the Fire Marshal, we can go by the NFPA [National Fire Prevention Association] codes that the state adopts,” said Frost.

Samson said that keeping apartment buildings up to a certain standard can be an expensive proposition for some towns. Larger metropolitan areas, like Lewiston, can charge building owners a fee that can support a full-time inspector, but rural areas don’t have enough buildings to do that.

“It would require you to spend some money,” he said.

Samson said that, even if the town wanted to enforce state-mandated standards of safety, it would not be able to without a housing ordinance.

“The bottom line is, if you go before a judge, he will ask you ‘On what city ordinance are you relying?’ You cannot point to a state code.”

“The town has to do something specific,” he said. “On a local level, the code has to be adopted to be enforced.”

Frost said that he would like to see the town adopt a set of regulations recommended by the NFPA.

The Life Safety Code is designed to protect human lives by establishing minimum safety standards for things like means of egress and building operating features.

“All the town would have to do would be to adopt the Life Safety Code 101. If they adopted that, we could do something,” said Frost. “I’d like to see them adopt the Life Safety Code. Some of the apartment buildings that aren’t up to speed would probably have to come up to code.”

Frost said that one effort to get a basic inspection schedule on the books was proposed by safety officials at one point, but that it was never presented to the voting public.

“Years ago, we started [proposing] an inspection program for apartment buildings,” said Frost. “Just to do a courtesy inspection every other year. It never got adopted. It never got that far.”

For now, Frost himself provides some level of protection to residents by going directly to the Office of the State Fire Marshal.

“I will write them up and let the landlord know and if that doesn’t work, I go to the state,” said Frost. “I couldn’t live with myself if I knew something was wrong and it wasn’t fixed, and something happened.”

### Landlords

Corey-Whitman said that, for the most part, landlords respect that safety violations need to be addressed for the betterment of the tenants, and the community.

Still, she said that there is a small group of four or five landlords in the town that are reluctant to comply with safety standards.

“Some of them are very confrontational,” she said. “I’m disrupting their status quo, I guess. I’m not sure why they get angry.”

While enforcement agencies are responsible for the poor housing conditions over which they have jurisdiction, the landlords who accept federal rent checks are the ones who are ultimately profiting.

According to HUD, landlords have an obligation to uphold safe standards.

“The role of the landlord in the voucher program is to provide decent, safe, and sanitary housing to a tenant at a reasonable rent,” reads a HUD fact sheet on housing vouchers. “The dwelling unit must pass the program’s housing quality standards and be maintained up to those standards as long as the owner receives housing assistance payments.”

Ninety-year-old Madeline Pratt and her family own 15 and 16 Cottage Street, 7 Lynn Street, 7 King Street, 11 King Street, 256 Main Street, 262 Main Street, and

17 Deering Street in Norway.

Pratt said that she is in compliance with all laws related to the condition of her buildings, and that she believes the rules are good for tenant safety.

“As far as I’m concerned, I have no problem with the requirements that I have to go by, because I do anyway,” said Pratt. “Anything that they say that we have to do, we should do anyway.”

“There’s a reason for all of these laws. They all make sense to me. ... It’s all for safety purposes. The way these young people live today, they need to be perfect; everything needs to be up to code, because they don’t take care of anything.”

Pratt said that the reason for non-compliant conditions in any of her apartment is that the tenants themselves have caused the conditions.

“The way people live today, they don’t take care of anything anyway,” said Pratt. “Nine times out of 10, if I have a problem, it’s because of some stupid thing that they’ve done. It was okay when they moved in, in other words.”

Asked about specific concerns, such as the non-working outlets, Pratt said that such conditions never passed inspections.

“If it doesn’t work, there’s a reason .... Maybe somebody has fooled around with it. People do.”

She said that tenants often mess around with the electric system in an effort to steal electricity.

In other words, according to Pratt, “if they’ve got something wrong with their apartments, it’s something they’ve done after they’ve moved in, and they haven’t discussed it with their landlord, evidently.”

She noted that she had put in new bolts to address the issue of the unsteady fire escape.

“I know I had a fire escape become loose. It was okay to start with, but evidently it loosened up,” she said.

Pratt said that the reports of the bolted fire door in the Norway rooming house that burned down are inaccurate.

“We had another stairway that went down into the shed,” said Pratt. “Maybe that’s what they were talking about. But as far as the fire exit, all the common areas, you can’t have anything there [blocking the area]. The door was so they could turn the handle and go out if they needed to.”

Corey-Whitman, who is a landlord herself, said that she realizes coming into compliance can be a costly, time-consuming, and difficult process.

“Most of them have full-time jobs,” she said. “When you get up to managing 12 units or so, that’s a full-time job in and of itself. It’s difficult.”

Still, she said, the safety of Norway’s tenants has to come first.

“I just want a healthy and safe environment for the tenants of Norway,” she said. “All I ask is that a landlord be moving in the right direction, and that he communicates with me. That’s key.”

### Tenants

The residents themselves have little control over their living conditions. They report that they have a difficult time motivating landlords to fix the issues that they are concerned about.

Some were angry and some were scared, but few were successful in having the health and safety violations in their homes addressed.

Most renters have three ways to pressure landlords to make repairs to poor conditions: they can sue, they can withhold rent, or they can move out.

Many Section 8 tenants, however, have none of those options available to them, at least not without facing serious consequences themselves.

The large majority of the rent of Section 8 tenants is paid for by the federal government (the taxpayer), through Avesta Housing.

Since Avesta pays the landlord directly, the tenants never hold the rent check, and so can’t withhold it. While tenants do pay a percentage of the rent directly to the landlord, as soon as they withhold that, they lose their right to take legal action.

Section 8 tenants are prevented from suing their landlords, if they owe their landlords money, according to Dyer.

“It’s one of my pet peeves,” he said.

“If the tenant wants to take the landlord to court, you would have to make that initial showing that you were current in your rent when you made your complaint,” said Dyer.

Dyer said that tenants also have to demonstrate they are current with the rent before they can move. If they move without a landlord signing off on a statement to that effect, the tenant will lose their Section 8 funding.

“Before a tenant moves, you have to show that you’re in good standing,” said Dyer. “Many times, through advocacy, I will get Section 8 to relax that standard. Sometimes it takes a lawyer to help that happen.”

Once low-income tenants fall behind on the rent, they can become easily trapped in their substandard apartments.

“I’ve tried to move, but I don’t have any income, and I owe Madeline [Pratt] some back rent,” said Lenny, the young man with mold, collapsed ceiling areas, and no electricity. “Unless I pay her off what I owe here, I can’t move with my Section 8. ... I need a written thing from her saying that I’ve paid her off and it’s okay for me to move. I can move, but I can’t bring my Section 8, and I’m not gonna do that.”

If Avesta, HUD, the MSHA and the town held landlords accountable to the strict standards on the books, these rental properties would be shut down or brought into compliance.

However, the tenants could then be on the street. This, apparently, works to everyone’s advantage except for the tenants.

“Where else are they going to go?” asked Corey-Whitman. “We’re going to make people homeless if we condemn a building. That’s hard.”

Tenants are afraid to complain because they have nowhere else to go. It’s a real issue as the number of rental properties available to lower income tenants is static.

“They call me, and they’re nervous about calling me, which is sad,” said Corey-Whitman. “They should be confident when they call. They should know it’s okay to say ‘I have a problem, and I need help.’”

“We weren’t gonna call code enforcement and stuff, because I know how vengeful landlords can be, and I need my Section 8,” said Susan.

Julia said that falling behind on one’s rent is all it takes to be taken advantage of.

“People aren’t willing to [come forward] because he’s threatening them like he did me,” she said. “They’re getting scared and they’re backing off, because they don’t want to lose their Section 8, because if they do, they can’t live. He’s threatening to pull people’s Section 8.”

She said that she felt helpless in these circumstances.

“As long as he says you owe him money, [he can pull your Section 8,]” she said. “He’s got you where he wants you. There’s nothing you can do.”

Tenants have even reported being coerced into illegal activities, under threat of loss of services or housing.

One woman said that she was asked to file for fuel assistance with the town, which would be illegal because her unit has no separate fuel source.

“He said ‘give them some bullshit story.’ He said

‘I’ll back it up.’ He said, ‘I’ll take quite a bit off your rent for doing that for me.’ He said ‘otherwise, ... you know you owe me a lot of money,’ he said ‘I’ll just have to do something about it.’”

She reported that she knew of at least two other tenants who had been asked to do the same thing. She said that she refused, and the landlord eventually backed down.

Another tenant reported that she has been paying money to the landlord “off the books” so that the landlord could collect more than is allowed under Section 8 rules.

Another man said that he knew of multiple hazardous conditions within his building, but that he couldn’t speak freely about them, as he feared repercussions from the landlord.

“If I say something, he’s gonna know,” he said. “It’s unsafe. But there’s no way anyone’s going to do anything about it.”

So these families live in appalling conditions putting their health and safety at risk because they have little choice. And the conditions continue to deteriorate.

“We have seen conditions where there’s no second escape route,” commented Frost. “Smoke alarms don’t work. Aisles and exits blocked with debris or rubbish or something like that. Open electrical boxes and exposed wiring.”

Frost said that he’s seen these kinds of conditions cause life-threatening fires within the community, many times.

“We had one last year, exposed wiring in the wall caused a fire in the wall,” said Frost. “Luckily, we had a crew on duty and got there in a matter of minutes.”

#### High rents

Arcing outlets, holes in the ceilings, mold, waste backup, no way to get out in case of a fire, bats, rats and old peeling paint at rents that exceed most area rents ... this is what the taxpayers are paying for.

According to Turcotte, MSHA takes care to keep prices in line with other units in the area.

“Pricing is determined by conducting a rent comparability test. Before the tenant can be approved for assistance, the landlord completes a form with the details of the unit and the asking price. MaineHousing/Avesta looks in our database of available market units in the area with similar amenities and will not approve a rent that is higher than market units.”

Turcotte said that there is also a federally-mandated cap on what a maximum rent can be, based on HUD’s published Fair Market Rents. The formula limits the rent that the landlord can receive.

“After the first year of tenancy, the landlord can request a rent increase and, again, MaineHousing/Avesta compares the revised rent to our available data in the market,” said Turcotte.

The amounts being paid do seem to be roughly average rental prices for comparably-sized units in the area, but the conditions are far worse than they are in the average apartment.

By contrast, other rental units, even those designed for low-income families, seem to have safe, healthy conditions.

Community Concepts also offers low income housing in the area and, while income based, large, fresh two- to three-bedroom, one and a half bath apartments at Norway Family Housing on Cottage Street rent for only \$412 to \$658 per month. The apartments are large and airy, surrounded by green space, with laundry facilities and play areas.

According to one tenant, the apartments are freshly painted and new carpeting is installed in every apartment each time a tenant moves out.

Turcotte said that a shortage of housing could contribute to what looks like a price discrepancy.

“A perceived overpricing may be due to the comparison in our database and lack of unassisted housing,” said Turcotte.

However, according to Corey-Whitman, the majority of rental units in the area are low income although vacancies are hard to come by.

So how can apartments half the size that are unsafe to live in fetch twice as much? How can the taxpayer dollar be spent without apparent oversight? These Section 8 apartments would not get the rents being charged in the general marketplace. So why does the federal government pay the inflated price?

The Pratt-owned properties are advertised as follows: “Section 8 preferred.” ...

*Editor’s Note: Vincent Marcisso did not return our calls. An FOA request has been filed for copies of Avesta inspection reports. Avesta was instructed to refer our questions to MSHA. HUD also referred our inquiries to MSHA.*

No one should live in unsafe, unhealthy conditions. If you find yourself in this situation the following steps can be taken:

1. Speak with your landlord.
2. If you are receiving general assistance, speak with your town.
3. If you are receiving Section 8 speak with Avesta by calling 744-4046.
4. If you have a code enforcement officer, contact them. In Norway the CEO can be reached at 743-6651. In Paris, the CEO can be reached at 743-2051.
5. If none of the aforementioned steps work contact Pine Tree Legal Service at (207) 774-8211. The service provides free legal assistance for those with low incomes.

Although we have tried to protect the tenants we spoke with from repercussions, if you find yourself in need of help, please contact Pine Tree Legal Services or The Advertiser Democrat – 743-7011.